Our Majority Leader *The Editors*

THE NEW REPUBLIC

April 24, 1965, 35 cents

Counted Out

Murray Kempton on James Carey

Three Sitwells — *Stephen Spender*

LBJ on the Mekong — *James Ridgeway*

Not So Moderns — *Frank Getlein*

Poll Tax — *Alexander M. Bickel*

Starvation Ahead? — *Gunnar Myrdal*

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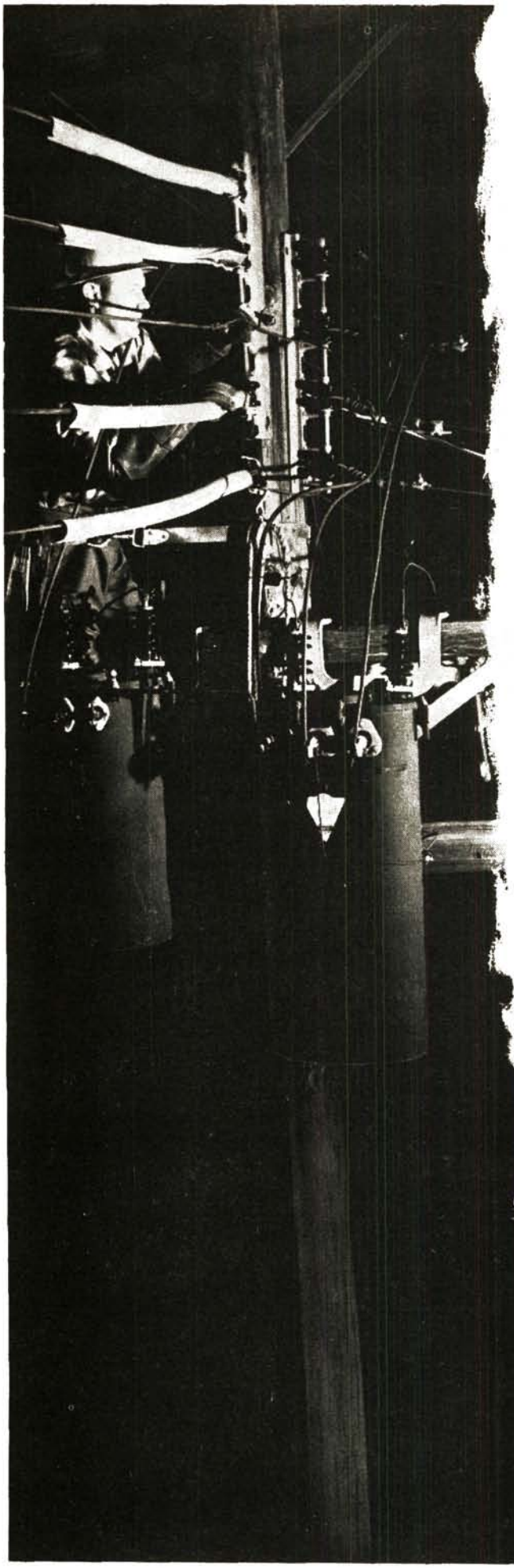

Everybody benefits

when there's a
to protect

By 1980, according to a recent Federal Power Commission study, technological progress in the power industry could make possible a 27% reduction in the retail cost of electricity. This could amount to as much as $11-billion.

Will this saving be passed on to consumers? Or will it be retained by the commercial companies which dominate the power industry? The answer will affect the entire economy and every citizen in the nation.

The cost of electricity is built into the price of virtually everything we use. In addition to the monthly electric bill we all pay, there is a power-cost factor in every automobile, every bottle of milk, every pair of shoes we buy. If the electricity used in manufacturing costs too much, the manufactured product also costs too much.

But how can we tell if electricity costs too much?

We can do so by maintaining a "consumers' electric yardstick" with which to measure the power companies' rates. This yardstick is composed of three elements:

1. **A limited amount of non-profit power generation,** some by the government, some by the rural electric cooperatives and other non-profit producers.

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consumers' electric yardstick the price you pay for power

2. **A limited amount of non-profit power transmission,** some by the government, some by the rural electric cooperatives and other non-profit producers.
3. **A limited amount of non-profit power distribution,** some by the rural electric cooperatives, some by the other non-profit distributors — municipal systems and power districts.

These elements in the consumers' electric yardstick combine to provide "competition-by-example" in the electric power industry—which is by nature a monopoly. *And this yardstick is the American consumer's best protection against excessive power costs.*

State and Federal regulation of the power industry is more effective when supported by the consumers' yardstick. Consumers who live near areas where the yardstick now is effective can testify to its value. For example, a consumer in Portland, Ore., near the Bonneville Power Administration yardstick, pays his commercial power company $5.35 for the same amount of electricity that costs the Boston, Mass., consumer $9.91! The same principle holds true for power rates of commercial companies near the TVA area.

The experts tell us that only about 15 to 20 percent of the nation's total electric power capacity needs to be operated on this non-profit basis in order to provide an effective yardstick. It has dropped to only about 13 percent at present, and, unless something is done, is going to drop even further as power needs double every few years . . . leaving tomorrow's consumers practically no protection.

This is why America's consumer-owned rural electric co-ops and other non-profit systems believe that coal should be used to generate non-profit power in the depressed Appalachia area, why generation and transmission loans from the Rural Electrification Administration must be continued, why the huge government-built desalinization plants now under study must be designed to use the waste heat for producing electricity as well as fresh water, and why arrangements for interconnecting the nation's power resources into a single transmission system must include rural electrics and other non-profit distributors.

We believe everybody benefits when there's a consumers' electric yardstick to protect the price you pay for power.

If you would like more information on the "Consumers' Electric Yardstick" write: National Rural Electric Cooperative Association, 2000 Florida Avenue, N.W., Washington, D. C. 20009

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T.R.B. *from Washington*

Big and Little Fish

★ In a quiet little chamber in the old Senate Office Building a story is unfolding that you ought to know about. It is the astonishing drama of economic concentration in America. There aren't any Ida Tarbells and Lincoln Steffenses left in the US, so you haven't read about it in the "yellow" journals or the "muckraking" *McClure's* magazine. But there are Senators like the late Estes Kefauver, and his successor, Philip A. Hart (D, Mich.), chairman of the Judiciary Subcommittee on Antitrust and Monopoly, and before it is over the material being patiently compiled by Senator Hart's economic sleuths is likely to make him famous.

The story comes down to this – the big fish are swallowing the little fish. The antitrust law blocks putative John D. Rockefellers from putting together a Standard Oil Trust, but a "conglomerate" trust, or holding company, is quite legal. The Supreme Court has intervened so far as it can, but the incredible accumulation of smaller companies by bigger companies goes on. It makes this one of the most important economic phenomena of our day; virtually unknown to the man in the street.

In its raw, ripe form this isn't the merger of one competitor by another, though there is plenty of that too, "vertical" and "horizontal." This is something beyond that: an acquisitive giant in automobile tires ties itself in with RKO and Aerojet; or CBS buys the New York Giants. The acquisition may have nothing to do with its original field. It becomes, in fact, a monster holding company, all perfectly legal, and bloated with outlets and factories.

Take Textron, Inc., the industrial giant. It began with textiles. But between 1943-1964 it added paints, a passenger liner, watch bracelets, pressure valves, bathroom fixtures, the Bell Aircraft Corporation, kiddie furniture . . . did I mention a glue company? – shoes, storm doors, foundry supplies, the old Cracker Jack company, well, that's enough.

Back last summer economist Gardner Means testified that the 100 largest manufacturing monsters in the US had increased their share of net capital assets of *all* US manufacturing from 45.8 percent to 56.9 percent in the years 1947 to 1962. Think of the power the interlocked directors of this Establishment have. In 10 years 200 companies may own two-thirds of the country's manufacturing assets say experts of the Federal Trade Commission.

And now Senator Hart's committee has heard some new evidence about mergers from its own economists, Dr. John M. Blair, whose staff has been quietly gathering material for several months.

The Grand Acquisitors

★ Whatever happened to Pepperidge Farm bread? It belongs now to Campbell Soup. What happened to Standard Oil of Kentucky? Gobbled up by Standard Oil of California. But these were rank amateurs. Let's get down to some of the real Acquisitors. The Borden Co., for example. You think of milk when you say Borden's. How little you know. Borden's is one of the 200 largest corporations in the country; between 1950 and 1963 it had been out collecting firms the way a naturalist catches butterflies. Including only the big ones ($1 million or over) it has got two seafood companies; five canned fruit producers, one each in dehydrated fruits-vegetables and pickles-sauces; two confectionery; one coated fabrics; two plastics; two printing ink; one toilet preparations, one glue and gelatin; one surgical appliances, and two in plastic products.

Dr. Blair has one table that lists 611 "significant acquisitions" (*i.e.* capital over $10 million) by 100 big companies 1948-64. He figures the 611 had capital of $21 billion.

What happened to "Planters Peanuts"? Gone to Standard Brands. "Chicken of the Sea," and "White Star"? Ralston-Purina. "Snow Crop" frozen citrus juices? – Its leading competitor, Minute Maid, grabbed it, which was gobbled up, in turn, by Coca Cola.

The limited-line manufacturers of computing machines have "all but disappeared." And here's the story of a few electrical independents: Bendix (pioneer washing machine) went to Avoco, in turn to Philco, and finally to Ford. Servel went to Whirlpool; Sylvania is a division of General Telephone; Stromberg-Carlson to General Dynamics. The York line of air conditioners disappeared into Borg-Warner. In short, mergers have "literally decimated the ranks of single-line appliance firms in the last decade," Dr. Blair notes.

We mentioned Textron – it has acquired 69 manufacturing enterprises; Martin-Marietta picked up $246 million worth of mergers; Litton Industries (not in existence a dozen years ago) now makes everything from pressure-sensitive adhesive tape to nuclear-powered submarines.

You can't tell what a company produces by the name anymore. Three big oil companies recently, Continental, Socony and Gulf, each absorbed a fertilizer company ("Only one major independent fertilizer company remains").

Merger Era

★ Maybe you thought National Distillers made only liquor? How naïve! It produces fertilizers, plastics, plumbing fixtures, electrical apparatus and aircraft equipment, and it also picked up US Industrial Chemicals ($50 million) and Bridgeport Brass ($88 million).

The Hart survey is just a sampling: it takes the 200 largest manufacturing companies in the country, then arbitrarily selects 100 companies from the group which have been the boldest Acquisitors. In a couple of months it will open its most interesting study, the effect of all this on the general economy. People like to tag fancy names on decades, this one might be called the Merger Era. . . . Only three reporters were at the hearing when we looked in.

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Majority Leader

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Congress is home for recess, but the President remains at work, and it is possible again to see who commands the center stage of this three-ring government. It's worth seeing. In one week, Mr. Johnson delivers a dramatic but not wholly convincing foreign policy address, he watches opposition sublimate into support as two heretofore controversial welfare programs move through Congress, and he signs a bill in a little schoolhouse in Texas. In between, he shoots off policy messages to Capitol Hill, embarrasses his Cabinet before the press, and worships at the new shrine of Franklin Delano Roosevelt – on his way home from a baseball game.

Such is the tempo and manner of the three-month-old Johnson Administration, and as a formula for popularity it is an amazing success. The latest Gallup Poll shows the President a scant one percent off his November stride. He has 68 percent of the people for him, and only 18 percent disapproving. Twenty-six million Americans may not have been wrong (as the post-election bumper stickers say) but most of them seem to have forgotten, at least temporarily, how right they thought they were. If there is any sizable opposition to what Mr. Johnson is doing, it does not turn up in the polls, or the Congress, or the press. "Only the nuts are against him," a Republican Congressional aide says. There is some carping, of course; but the operative national emotion is expressed by a Democratic Senator: "I was terribly afraid when he became President. Now I think we all should thank God that he is in the White House."

It is already a cliché that no one plays the political game better than Lyndon Johnson, or enjoys it more. Harry Truman said last week that his happiest day in the White House was "when I left." Lyndon Johnson will feel no such exhilaration. He is President of all the people, majority leader of the nation, because he wants to be. He loves every ceremony, every speech, every maneuver. He has the most willing legislature and the most approving country of any President in generations. His recommendations fairly sail through Congress, frequently unsullied by debate. For instance, the Older Americans Act was passed by the House of Representatives 395-1, the lone "nay" from a Republican Congressman, who offered no substantive opposition, but said merely that *someone* should question even revealed truth. It was a bold but useless gesture.

What criticisms there are have been largely of manner and method. Pablo Casals hasn't been to the White House lately (neither has Oleg

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Cassini), and if there are any *oeufs-en-gelée* at the LBJ Ranch, they are masquerading as egg salad. Mr. Johnson drives his aides too hard, often embarrasses them in public, and there *is* something pathetic about Vice President Humphrey wandering about in a Stetson hat. The President is not a grand conceptualizer. (A close associate says, "He would not have created the United Nations, but he knows how to use it.") He fits every editorialist's definition of "pragmatic." The legislative record is already long – an Education Act, Medicare, anti-poverty programs, Appalachian aid – which consists mainly of highway construction funds – was signed into law early in the session. A water pollution control bill is well on its way, a voting rights law is considered a sure thing, the Manpower Act amendments were passed last week, a disarmament agency extension will soon be ready for Presidential signature, a constitutional amendment dealing with Presidential disability has passed the House 368-29 – which is the predictable ratio this year. But one looks in vain for original legislative contributions. So far the Great Society is taking up unfinished business of the New Deal.

There are some small tempests: the anti-Nasser rider, the sniping at the Supreme Court by refusing salary raises for Justices, the bad District of Columbia appropriation and crime bills, and the Veterans' Administration hospitals row. But these are evidences of rebellion where it matters the least. Most often, Mr. Johnson has been able to put down the revolts, and even convert them (as in aid for Nasser) into expressions of loyalty. The legislative "box scores" which appear every so often in newspapers become instant guides to greatness, like the number of stars beside a restaurant in the *Guide Michelin*.

The high point of these first 100 days was surely Mr. Johnson's March 15 address on civil rights to a joint session of Congress. It was the most radical political pronouncement any President has made since Roosevelt's second inaugural address. The irony – that it was presented by a Southerner whom liberals had long ago misplaced in the unsympathetic category – was not missed. It was not a well constructed speech, especially the long second part which Mr. Johnson wrote and ad-libbed himself, and it was delivered in that affectedly sincere and solemn tone which is so unlike the President's natural ebullience and crafty charm. Yet Mr. Johnson there committed the nation to support a convulsive social movement, not merely to give charity to an oppressed minority. One assumes that he realizes the probable consequences of that commitment; it could revolutionize American society.

In contrast, the April 7 speech on Southeast Asian policy in Baltimore was well-meaning, but simplistic and amateur. Mr. Johnson is not at home in foreign affairs. The intricacies of diplomacy and the subtleties of congressional maneuver are of a different order. The international society is essentially anarchic; it is not run by the same principles of common interest, majority rule and mutual esteem on which the President builds his congressional consensus. Senator Dirksen may be tickled pink by an invitation to the White House; Ho Chi Minh would not be. Like the early President Roosevelt, the early President Johnson has only a peripheral interest in foreign relations. Here his undoubted astuteness and humanity will meet their toughest test.

Air and Water

The White House changed its mind again and now supports Senator Muskie's bill requiring auto manufacturers to put smog control devices on all new vehicles. Last December the Administration implied its support for this measure; recently an Administration spokesman opposed it; finally after a flood of press protest, the White House got behind the bill. It should be reported out of a Senate committee early in May and be approved. The chances for passage are less certain in the House, where it goes before Oren Harris' Commerce Committee. Usually Harris takes a dim view of telling industry what to do. But he is sponsoring a measure that would prohibit federal installations from polluting the air. One section of his bill specifies that autos purchased by the government be equipped with the same anti-smog devices that the Muskie legislation would make mandatory on all cars.

Later this year Senator Muskie will take a close look at the way HEW is administering the Clean Air Act. Since it was passed 15 months ago, the Public Health Service, which administers the program, has not brought one abatement case. Last summer PHS met with officials from the states of New York and New Jersey to consider action against New Jersey industries which spew pollutants into the west wind, which carries the fumes and soot to New York City. Both states opposed intervention by the federal government. But the PHS prepared papers detailing the pollution; it recommended calling a conference, the first step in federal enforcement procedure. Those papers were forwarded to the Secretary of HEW who must approve such an action. That is the last anybody heard of them.

The PHS may have difficulty in carrying out the enforcement duties it is given under the law, since it never hired a chief enforcement officer. It sought the employ of Smith Griswold, chief of the Los Angeles County Air Pollution District. But HEW again sat on this application, pleading lack of money. If the President means to clean up air pollution as much as he

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says, it is hard to believe funds can't be found to pay the salary of someone to run the program. Moreover, the Clean Air Act directs the PHS to set up criteria that can be used in curbing air pollution. In an enforcement action, these criteria would give the parties something to work toward. The PHS never set criteria.

What the PHS has done is to dispense $14 million of research funds and $4 million to help municipalities set up anti-pollution programs. But without tough enforcement that keeps the heat on states and industries which are loathe to spend the money to install costly pollution systems this won't ever amount to much.

It was because the PHS took such a lackluster attitude toward tough enforcement, that the Senate has passed a bill removing the water pollution program from the doctors' control and placing it in a separate administration directly beneath the Secretary of HEW. Similar legislation promises to be through the House in a week or so. The House version will be weaker than the Senate's, because the House Public Works Committee killed a standards section. The Senate version would give the Secretary of HEW the authority to set water quality standards on interstate streams; if the states did not enforce these standards, the government could step in and make them do so. Mr. Muskie is determined to get this important section back in at the Senate-House conference.

"Out of this nettle, danger, we pluck this flower, safety."

Peace through War

Although surreptitious glances are being cast toward the conference table, it is said in Washington that the time is not yet "ripe" for negotiation on Vietnam. The decision whether and when to negotiate and on what basis may, of course, be made without consultation with the US, by the Vietnamese getting together among themselves and arranging a cease-fire and a new coalition government. To prevent any such development, with its attendant risk of an eventual Communist takeover, Arleigh Burke, former Chief of Naval Operations, would have the US use more of its muscle. There should be no negotiation, he believes, and need be none because we have "the power to make the Viet Cong and the Communists, in general, quit the war."

If Admiral Burke is right, it follows that the Viet Cong persists because not enough power has been used against them. How much, then, is enough? One can only find out by applying power. Begin by supplying advisers and equipment; add US soldiers, sailors and marines; import troops from South Korea; shell from the sea; scorch the earth; use gas and white phosphorus; try out a few other ingenious weapons; rain the forests with bombs and with rockets and machine gun fire from helicopters; accelerate raids on roads, bridges, military installations in North Vietnam and Laos; "seed" encampment areas with delayed-action bombs; threaten to strike China if it actively intervenes.

And if that isn't enough, well . . . do more.

Why the Delay?

Although the Civil Rights Act of 1964 was signed last July 2, Title VII – the Fair Employment title – will not become effective so as to prohibit discriminatory practices until July 2 of this year. But the title established, effective immediately upon its enactment, that is ten months ago, an Equal Employment Opportunity Commission, and gave it many essential preparatory tasks to perform during the year of grace.

The Commission consists of five members, all Presidential appointees. But the Commission does not exist as yet. President Johnson has neglected to make the necessary appointments. Thus, it is not too much to say that he has substantially extended the year of grace granted to private employers by Congress, and that he is further extending it every day that he continues to delay organizing the Commission.

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Brazil's "Revolution"

Rio de Janeiro
From a Special Correspondent

The Brazilian "revolution" held out two promises to its partisans a year ago: a return to political stability following virtual anarchy, and an end to a runaway inflation which has seen Brazil's cost of living rise 166 percent in the last two years. In a textbook example of bad timing, the government announced this March 12 "the end of the people's tribulations and the start of price stabilization." The same day, bread prices went up 25 percent, milk 19 percent, sugar 50 percent, leading a columnist in the *Jornal do Brasil* to remark: "Inflation has ended. It will be necessary now to invent another word for the daily price increases." The government, heeding the advice of its economic counselors headed by Roberto Campos, has limited the hike in minimum wage levels to 66 percent above last year. But the cost of living soared 80 percent in 1964, and in the first two months of 1965 went up 10.5 percent. Civil servants are unhappy because wage raises are insufficient to meet higher costs, a complaint they share with the military. In short, popular support is melting away from the "revolution."

A national election is scheduled for next year, but the betting as of this moment is that it will, on some pretext, be cancelled. ("It's better not to have elections than to have rigged ones," one Brazilian told me.)

Under the "Institutional Act" of 1964, the commanders-in-chief of Brazil's three armed services can depose any elected official in the nation, including legislators; suspend for 10 years the political rights (including voting and officeholding) of any "extremist"; and suspend the immunity of any judge, professor or other officeholder for six months so he might also be purged from public life. Under this Act several thousand Communists, leftists and "extremists" of all sorts, including some Catholic priests, have been jailed. The noted Catholic Action leader, Alceu de Amoroso Lima, charges the government with "cultural terrorism." The peasant leader, Francisco Juliao, is still awaiting trial. The list of *cassados* (purge victims) reads like a *Who's Who in Brazilian Politics:* Juscelino Kubitschek, ex-president (1955-60); ousted chief executive Joao Goulart, now in exile in Uruguay; Janio Quadros, former president; Celso Furtado, internationally famous economist, now teaching in the United States. Some 44 members of the national Congress lost their office, along with their political rights, in the purge. All this has been done in the name of saving Brazil from a Communist takeover, allegedly planned by Goulart and his followers. The result has been a moratorium on social change.

Now the Castelo Branco government is sponsoring a revision to the electoral code which in effect will eliminate all minor parties by abolishing those which fail to receive a sufficient percentage of the popular vote. Illiterates, who comprise about half the population, never have had the right to vote.

HE COULD STILL SLIP, BUT SO FAR HE HAS STAYED ON HIS FEET

Premier Tshombe

Moise Tshombe's defiance of the United Nations and his more recent personal "invasions" of Cairo and Nairobi have given the world a picture – and it is roughly accurate – of a shrewd man gifted with physical courage and inexhaustible sass. Most of the rest of the "popular" picture of Tshombe, however, is false. For instance, he is not pro-colonial, not pro-white, not pro-Belgian. He has neither genius for, nor interest in, administration. At each stage in his faintly Gilbert-and-Sullivan career, distant "observers" have mistaken his unlimited lack of scruple for policy; in fact, no ideology ever interferes with his opportunism. He is charismatic, ruthless, commanding, humorous, resilient. His big face with its popping eyes and crescent "watermelon" smile, his great barrel of a body, dominate an electoral meeting, a press conference, a cabinet session. He hates some people but does not bear political grudges and has contempt for any politician who does. There is in him a bit of Mayor Curley and Huey Long.

Still only 45, Tshombe was the son of Katanga's richest native trader. He married a pretty daughter of the paramount chief of his tribe, the Balunda, and has eight attractive children. Educated at the Methodist mission at S'ndwa, he took diplomas as a grade school teacher and accountant, inherited his father's stores, hotels and farms, and in a few years destroyed the

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entire business by mismanagement. Twice arrested for passing rubber checks, he sought a new career in politics. The local Belgian provincial governor found him personable, sophisticated and corrupt, and offered him Belgian funds – some taxpayers' money, but mostly cash from the Union Minière company – to combine several small parties into a single group, the Conakat, in 1957. Helped by Belgian rigging, this group won a narrow majority in the 1960 provincial elections, providing a basis of a sort for Tshombe's attempt to cut Katanga away from a unified Congo.

It is difficult to point to anything Tshombe did in return for Belgian favors. True, he has amassed a fortune in Zurich. But long before he was forced to reintegrate his wealthy province into the Congo, the Union Minière had turned against secession. Tshombe seemed finished. He fled to Europe. Then, nine months ago, when UN troops left the Congo and the threat of Katangese secession recurred, the Leopoldville government, this time with Rhodesian and Portuguese help, offered Tshombe the post of Congolese finance minister. Instead Tshombe demanded and got the premiership.

Today in Leopoldville, what little administration had been created by Tshombe's predecessor as prime minister, Cyril Adoula, has evaporated. (The legend that Katanga under Tshombe was an oasis of order in the early 1960's was the opposite of the truth: 90,000 died in repressive wars within the province in Tshombe's time; administration barely existed.) In order to get the administrative machinery working, Tshombe is turning, as he did in Katanga, to Europeans. He doesn't like them or trust them; they are necessary evils. He wants to employ as many different nationalities as possible, hoping that they will spy on one another. He told an African ambassador recently: "I will give the orders. These white rascals can do the work. And when finally these lazy Congolese of mine learn to replace the Europeans, we'll sit down and eat the lot." This was followed by a Gargantuan guffaw.

Tshombe has an instinct for what is popular. He can make Congolese laugh at themselves. His main defect, next to his loathing for administrative chores, is that no one can count on anything he says. His 1961 offer to line up with Russia and Ghana was as genuine as anything else he has said. Nevertheless, the chances are that he will go further than anyone before him in uniting the Congo, or a large part of it. The Northeast may yet break away in continued poverty and chaos, but Tshombe could still keep Katanga and the rest together. He could be shot; or President Kasavubu could and would dispose of him were he foolish enough to rake up the embers in Katanga again, or try to challenge Kasavubu for the top spot. Still, no man today is more persuasive with the Congolese crowds, and it begins to look as if Tshombe's tenure will be long, corrupt, and – by Congolese standards – successful.

Russell Warren Howe

The Congo and Its Neighbors

In recent weeks, relations between the Congo and Kenya and Uganda have improved, as have relations between the Congo and another of its neighbors, Zambia, with whom promising trade talks are going on. When Tshombe first gave written assurances that his troops were under strict orders not to cross the Ugandan and Kenyan borders, the Kenyans, and especially Uganda's high-strung Premier, Dr. Milton Obote, doubted him. Dr. Obote sent two rifle companies to the border; there were clashes with the Congolese in which about a dozen soldiers were killed. But the Congolese did stay on their side of the frontier; as a result Tshombe's word now has more credence. The successes of Tshombe against the Congolese People's Army in the northeast of his country also has something to do with his being less of an outcast in Africa than he was six months ago. After some bitter fighting, Tshombe's units – African and white – now control virtually all the main towns, communication centers and roads in the northeast as well as main border crossings. Anti-Tshombe forces still control the bush country, and its units still receive some arms, equipment, money and medical supplies from Cairo and Algiers through the Southern Sudan. But leaders of the "People's Army" are quarreling among themselves; the tide may be turning against them.

There seems also to be a new realism in East Africa about the relative usefulness to African governments of Western countries, and of Russia and of China. In Kenya President Kenyatta recently told a mass rally at Nyeri that people should not imagine that they could do what they wanted now that Kenya had an African government: he had forces strong enough to deal with any "subversive activities" both from internal and external sources. And James Gichuru, his Minister of Finance, bluntly told another rally that "the tradition of our people cannot accommodate Communism as interpreted by Russia or China."

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Health Insurance Bill — Pluses and Minuses

For years the votes necessary to approve national health insurance for the aged have been present in the Senate. Now the heretofore reluctant House, the obdurate opposition of Wilbur Mills, chairman of the Ways and Means Committee, having been overcome, has approved it by a vote of 313-115.

The first section of the new act is based on King-Anderson: compulsory insurance covering hospital and post-hospital costs, financed mostly from a payroll tax administered by the social security system through a separate trust fund. (A worker's W-2 withholding form will show health contributions separately.) The overall social security tax rate for employer and employee will henceforth be applied to an earnings base raised from the present $4,800 to $5,600, and the tax will increase from the present 3.6 percent to 5.2 percent in 1971. Part of this tax-take will finance the health program. Federal contributions from general revenue will cover its costs for the rapidly declining numbers of persons not covered by social security.

A second section, added in committee, provides a supplementary *voluntary* program permitting coverage of surgeon and doctor bills after a $50 deductible (but not drugs, except those administered in hospitals), up to 60 days in psychiatric or tuberculosis hospitals, and additional home health services. Average monthly premiums will be $6, half of which will be contributed by the individual (he can do it as a checkoff on his social security or railroad retirement benefits) and half by the government.

Enough new money to pay this premium will be available even to those receiving minimum social security benefits, under the provision of a third section of the bill that provides a seven percent increase in all social security benefits. (This raise is actually not quite enough to cover the increase in the cost of living since the last upward adjustment of benefits, but the extra cash will nevertheless be there.)

So when the act comes into operation – first services will be available on July 1, 1966 – all Americans 65 and older will be entitled to a very considerable range of hospital and medical care.

There are major omissions. In about 95 percent of cases, hospital admittances of the aged are followed by release within 60 days; these, the new bill will cover. But not the long-drawn-out chronic or terminal illnesses, such as those from cancer.

Likewise, nursing home care provided under the bill is post-hospital care in institutions related to hospitals. Care that is largely custodial is not covered, and this is a serious omission, for this is the kind of care so much needed by the aged, especially the senile. Yet in view of the difficulty of controlling the quality of care and the present diversity in what passes for care in nursing homes geared to low social security or public assistance payments, it is hard to see how public financing could be justifiable at present.

There are other omissions. The early Kefauver hearings disclosed the spread between prices of drugs sold under their generic names and those sold under trade names. The cost of financing drugs as part of the health plan would vary accordingly. Payment for drugs would have been allowed by the Byrnes bill, but that item was dropped.

Also, the original Administration bill drew a line at the hospital door. It excluded all fees for surgeons or doctors but did cover radiologists, pathologists, physical therapists and anesthesiologists, whose services normally are included in a patient's hospital bill. However, when the supplementary section providing for payment of doctors and surgeons was added to the legislation, it was also decided that individual patients would be billed for the services of these specialists directly by the doctors. The change was a victory for the AMA (a victory wrapped in a larger defeat) which has had a long-standing feud with hospitals. From a hospital's point of view, the pathologist is a man whose findings not only determine what a surgeon is advised to do in a given case, but also serves as a check

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on operations that might be made on sound tissue and a check on the extraction of sound organs. The pathologists are part of the institution's quality control. If such specialists are not paid by the hospital, but depend instead on physicians and surgeons for referrals, their check might become less rigorous. From the patient's point of view, a shift from the flat rates set by the hospital to individual billing could inflate the cost of illness; its upward movement would be reflected in the costs of both non-profit plans like Blue Cross and for-profit insurance companies.

This exclusion of specialists from the plan is inconsistent, moreover. Senator Paul Douglas points out that the bill "prohibits the hospital from collecting payment for the expenses involved in furnishing the services of some of its physicians, but would pay the hospital part of the salaries of other doctors through the reimbursement of costs in connection with services rendered by internes and residents – all of whom are graduate physicians. And many of these doctors – whose salaries the bill would pay – are functioning in the fields of pathology, radiology, physiatry and anesthesiology. . . ."

Any controls over quality and cost are missing from the new bill, an exclusion that was deliberate and done to avoid charges of government interference with medical practice. The only means provided for airing abuses is a medical review committee that is to make an annual report to the Secretary of Health, Education and Welfare.

What now? Will "medicare" quickly lead to overutilization of medical facilities and services, or put enormously greater strain on medical personnel? There are two opinions. One suggests that the numbers of persons not getting care now are limited: a majority of those who can't pay have been receiving care under public assistance and those who are above this income level have been paying, though to do so many are forced to mortgage homes or curtail the education of the younger generation. The other view is that any new development is apt to be oversubscribed at first; in some of the cooperatives for the elderly where all or nearly all medical expenses are provided, overutilization is noticeable for a few months, then dies down. In the case of hospitalization, a control exists in the authority of the admitting doctor. Nevertheless, some outstanding hospital directors do anticipate a rush. Certainly much more will have to be done to staff home health services.

Helen Hill Miller

Congress and the Poll Tax

The single most important change in the Administration's voting rights bill to emerge out of committee consideration in both the House and the Senate is a provision outlawing the poll tax. It is a worthy provision of course. Unfortunately, the constitutional power of Congress to enact it is seriously in question.

The basic position is that the state, not the federal government, sets qualifications for voting. The Constitution gives Congress some control – it is not clear how much – over this function so far as the election of federal officers is concerned; hence many thought that Congress could by statute abolish the poll tax in federal elections. In the end, however, this was accomplished by constitutional amendment, just recently enacted. As to state elections, only the 15th Amendment is an explicit statement of federal power, and it is restricted to outlawing discrimination on account of race. Any other federal power over state elections must be found in the equal protection and due process clauses of the 14th Amendment, which are applicable to anything a state may do, and which forbid actions that are arbitrary or capricious, or that conflict with fundamental principles of fairness, liberty and self-government, as the Supreme Court reads those principles in the American tradition. The Constitution also guarantees to "every State in this Union a Republican Form of government," but this clause is generally regarded as the ultimate federal weapon, to be invoked only in the case of a radical abandonment by a state of democratic institutions.

The constitutional basis of the voting rights bill as a whole, aside from the poll tax proposal, is the 15th Amendment. The theory of the bill is that the devices it outlaws, including existing literacy tests, have been used to discriminate against prospective Negro voters; and the bill outlaws these devices only in the regions in which they have been demonstrably so used. Moreover, the literacy tests in question – not to speak of "understanding" tests and good moral character requirements – are the natural breeding ground of discrimination. For they are vague, subjective, conferring broad discretion on the officials who administer them. One doubts that the poll tax can similarly be shown to have been systematically used to discriminate against

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Negroes; at any rate, evidence to this effect is not at hand. There are instances, to be sure, and it may be that more can be brought to light. But when literacy and other tests as well as many forms of extra-legal pressure have been so effective in keeping Negroes from even registering, a showing that the poll tax was used in any systematic and important way to keep them from voting is scarcely to be expected. Moreover, the poll tax is not inherently a device that invites discriminatory use. Its administration allows no discretion. And so it is difficult to find support in the 15th Amendment for abolition of the poll tax.

The original Administration bill would have forgiven past poll taxes so long as a voter tendered payment of the current tax. It takes a somewhat involved line of reasoning to connect even such a provision to the 15th Amendment, but the argument is ultimately persuasive and runs as follows: No effort seems ever to be made to collect the poll tax except as a prerequisite to casting a vote. Hence Negroes who were denied the right to vote had no occasion or reason to pay the tax. It would be Negroes, therefore, in infinitely higher proportion than whites, who would owe back poll taxes. Collection of such back taxes now would thus constitute a discriminatory burden imposed on the Negro's right to vote, and a burden, moreover, that arises now because of discrimination practiced by the state in the past. The same cannot be said of the current poll tax, which falls on white and Negro alike.

The Heart of the Matter

However, if the current poll tax does not discriminate on account of race, it obviously discriminates against the poor, and was intended to do so; it was in most Southern states enacted as an anti-Populist measure around the turn of the century. But the sales tax discriminates against the poor also, and so does the cost of a driver's license and of a parking ticket. The 14th Amendment does offer some protection to the poor, particularly as it renders matters somewhat more equal for them when they find themselves in the clutches of the criminal process, yet sales and license taxes remain pretty safely constitutional, and so on this score, one must think, does the poll tax. If a state were to impose one of those stiff 18th-Century property qualifications for voting, the Supreme Court ought surely to strike it down as being morally reprehensible in this second half of the 20th Century. But the poll tax will amount to a dollar or two. It is more of a nuisance than a real impediment to voting, after the fashion of a property qualification.

Perhaps that is the heart of the matter – the fact that the poll tax is more a nuisance than anything else. Nothing in the Constitution limits a state's power to set qualifications for voting in state elections, so long as no racial discrimination is practiced and so long as the essential nature of democratic government is respected. By this test, in the Supreme Court's view, malapportionment was unconstitutional, and stiff property qualifications might be. This is a test that the poll tax should be able to pass. But the Constitution also requires all state action, whatever its purpose or effect, to be rational; that it be reasonably related to the attainment of an allowable end. The allowable end here is the selection of a suitable electorate. Literacy, familiarity with the state constitution, age, residence, good moral character, absence of a criminal record – all these are, everything else being equal, rational considerations in deciding on appropriate qualifications for a voter. But what in the world does possession of $2 have to do with fitness to vote? The poll tax, it will be argued, even though small, gives pause. It ensures that the act of voting is deliberate, that the citizen participates in the process of government not casually, but with a certain will. And if this point, and others that might be made, are no more than faintly plausible, the answer is that no more than faint plausibility is required to save an exercise of an otherwise plenary state power from being held arbitrary and capricious.

In *Breedlove v Suttles* decided in 1937, the Supreme Court sustained the poll tax against a 14th Amendment attack. Lower federal courts have consistently followed this ruling, most recently in two cases arising in Virginia. This does not mean the issue is settled and that any attempt by Congress to overrule these cases by statute is absolutely certain to fail. But it does mean that Congress would be skating on thin ice. The ice is all the thinner because of the recently enacted 24th Amendment abolishing the poll tax in federal elections. For as the Court said in one of the Virginia cases just mentioned, "The very fact that the Congress deemed a constitutional amendment necessary to abolish [the poll tax] in federal elections demonstrates that such a tax is not in itself unconstitutional."

Two things are clear. One is that the civil rights movement could suffer no greater setback than a Supreme Court decision holding a portion of the voting rights of 1965 unconstitutional. This would give an enormous boost to all the forces of resistance in the South; it is a risk worth running, if at all, only for the highest of stakes. It is clear also that if this voting rights act causes the segregationists to retreat to the poll tax as a last line of defense against Negro voting, and if the poll tax should work effectively to achieve discrimination, Congress will be able to abolish it under the 15th Amendment, and no one will then have legitimate qualms about the constitutional power of Congress to do so. So doesn't it follow that Congress would be well-advised to wait? ALEXANDER M. BICKEL

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On the Mekong

Mr. Johnson's Billion Dollar Offer

James Ridgeway

The President's $1 billion aid plan for Southeast Asia probably will be fitted into a grand design for area development that U Thant is expected to come up with in a month or so. Through the Economic Commission for Asia and the Far East, the UN has been laying the groundwork over the past 10 years for just such a development in the Mekong River basin. Those plans are at a point where major financing is needed.

The US currently pumps some $400 million of economic aid into Southeast Asia, most of which goes to South Vietnam. It is not clear over what period of time the President's proposed billion dollars would be spent, or whether it is to be in addition to the present aid. The general assumption is that it must be meant as an addition. Nor is it clear whether the US would want to participate in this UN developmental scheme if the Communists were to come out on top in South Vietnam. It does not seem to be the President's intention, however, to hold back until peace comes to Southeast Asia. American dollars could begin to go now into UN projects that are physically removed from the fighting.

If the aid offer were put forward as a lure to hook the North Vietnamese and Viet Cong into a peace settlement, then it was rather late in coming and transparent. And since the Mekong River basin does not touch North Vietnam, the effects there of river development would be beneficial but marginal.

In proposing a mammoth TVA for the Mekong basin, the President is a step ahead of his people in the Agency for International Development and at the World Bank who have been hesitant to plunge into financing some of the big UN hydroelectric projects for fear there will be no markets for the power.

The UN development scheme for the Mekong is certainly not a gimmick. It is an extraordinary international effort to harness one of the largest rivers in the world, and a practical one. Rising in the high Tibetan plateau, the Mekong races through China, then forms the border between Laos and Burma before entering a 1,500-mile-long drainage basin, on which the UN is concentrating. Neither Burma nor China is directly involved. On its way down the peninsula, the Mekong forms the boundary between Laos and Thailand at two points; it cuts across Cambodia and the southern part of South Vietnam, finally coming into the South China Sea just below Saigon.

Some 20 million people live in the 236,000 square mile basin. At present no electricity is produced from the river; little of the basin is irrigated, which means only one crop of rice can be produced a year. Navigation on the Mekong and its tributaries is tricky; there is no flood control.

The UN plan would entail harnessing the river with a network of hydroelectric projects; shipping channels and piers would be improved; an irrigation system might make possible production of two or three crops a year; electricity could power industrial development, bringing this peninsula to the point where it could provide food and industrial products for the rest of Asia.

After initial feasibility studies of the region by the US Bureau of Reclamation and a UN team headed by Lt. Gen. R. A. Wheeler, former head of the Army Corps of Engineers, representatives of the four countries principally concerned formed a special committee for coordination and investigation of the lower Mekong. This committee operates by unanimous consent; it can receive money and spend it for development work. The French got the committee on its feet by opening a bank account in Paris and putting $100,000 into it for purchase of hydrological equipment. (The French were enormously helpful in this undertaking. They had on file records of the river dating from 1897.) The US chipped in $2.2 million for other equipment. The Canadians promised to help map the territory. This was in 1958. Since then the Japanese have sent reconnaissance engineering teams; the Philippines prepared maps; France surveyed soils; Scandinavian countries worked out the possibilities of developing a pulp and paper industry; Australia planned dam sites. In the past six years, 21 different countries either have provided expert services or money (the committee's resources now total $67 million). Twelve UN agencies are represented in the basin; all in all 54 different teams of experts are working on the project.

Dams on five of the Mekong's 34 tributaries are un-

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der construction. Three big mainstream projects will be ready for building within three or four more years. The Japanese, Indians and Americans are working on feasibility studies for these sites. One of these sites is along the Laos-Thailand border; the other two are in Cambodia. All three are away from war areas.

Among the largest and perhaps most important of the projects is a dam planned for Pa Mong, along the Laos-Thailand border, not far to the north of Vientiane, the Laotian capital. The US is preparing feasibility studies for this project, which may cost in the neighborhood of $500 million. AID officials suggest these studies will take another four years. The Pa Mong project would provide electricity for the depressed and unstable northeast section of Thailand. Waters from a large reservoir would irrigate 2.5 million acres of land. Mineral surveys indicate that iron ore deposits are rich in this part of Thailand; power generated by the Pa Mong dam would help develop this resource.

By all odds, the most interesting of the mainstream projects is along the Tonle Sap, a tributary of the Mekong in Cambodia. Phnom Penh, the Cambodian capital, is at the juncture of the two rivers. During the five month rainy season when the Mekong waters mount, the Tonle Sap reverses itself and flows north emptying water into the Great Lake of Cambodia which acts as a big reservoir. During the rest of the year, the Tonle Sap acts as a drainage channel for the lake. In the dry season, the fish in the lake, which provide an important source of food for people in Cambodia, either die or swim downstream; as the water level drops, seawater intrudes, ruining the surrounding lowlands. The plan is to develop gates along the Tonle Sap; during flood they will open to let the water come in; in the dry season, they will let a measured supply of water out, enough to provide water for navigation at Phnom Penh, and to keep the seawater out. At the same time, enough water for the fish will be kept in the lake.

Although the US has been associated with the Mekong scheme since its inception, it certainly has never argued for the plan with any of the passion Mr. Johnson has now given it. He is said to have done so on the suggestion of Arthur Goldschmidt, a friend of his and a director in the Office of the UN Special Fund Operations. In 1962 Chester Bowles urged the Mekong development on President Kennedy, but got nowhere. Bowles was then ridiculed in the press for having "Mekong on the brain." In drawing up his plans for Southeast Asia, U Thant probably will rely heavily on C. V. Narasimhan, his chief of staff who has taken a great interest in plans for the river.

The idea behind all of this is to get the people of these four quarreling countries to put their minds and energies on a great common enterprise which can interlock them in peaceful commerce. And as things go in these gloomy parts, the Mekong committee has fared well. In 1961, when Cambodia closed its borders to all Thai traffic, a special exception was made for the Thai representatives of the committee who were cheerfully greeted at the airport in Phnom Penh. Last year the committee wanted to make a survey of a dam site in the Nam Ngum basin of Laos, an area which at the time was controlled by the Pathet Lao. The Pathet Lao not only agreed to let the committee work on its survey unmolested but showed interest in building the dam. This dam would cost about $40 million; and the United States has been approached for financing some $25 million of the total.

A study by the World Bank, which said there would not be a sufficient market for electricity, killed the project at AID where it had been under consideration. Perhaps more important from the US point of view, there were fears the dam site was not secure and likely to be embroiled in Pathet Lao guerrilla fighting. This was a keen disappointment to the committee, for it had gotten cooperation from all three factions in Laos, all of which would benefit from rural development and power production; and there also was a chance to provide electricity to northeast Thailand. This would have been a real international project, and quite a feather in the committee's hat. It remains to be seen whether the President's enthusiasm will revitalize it.

Will We Prevent Mass Starvation?

On the late President Kennedy's proposal, the sixties were declared the Development Decade. So far, what we have seen is a retardation of the pace of development in underdeveloped countries, of which the main cause is stagnation in agriculture. In India agricultural production has for three years not been rising appreciably, while population is increasing by 2.5 percent, perhaps more. Except for American deliveries of food under Public Law 480, there would have been mass starvation. Pakistan and Turkey with hundreds of millions of inhabitants, more than three-quarters of whom are in agriculture, could not have survived

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if they had not been fed by agricultural surplus from the United States. South Asia as a whole has in recent decades changed from a surplus to a deficit region in regard to food. Food production per head in Latin America has been at a standstill for the last decade; its present level may be somewhat lower than it was a generation ago.

The Food and Agriculture Organization has calculated that close to one-half of the world's population suffers from sheer hunger or crippling malnutrition or both. The masses of the underfed are in agriculture. Taking into account pending increases in population, the FAO calculates also that in order to provide a reasonable level of nutrition for all people, total food supplies must be doubled by 1980 and trebled by 2000. From my own studies I am inclined to believe that this is an underestimation rather than an overestimation, particularly if the nutrition level for the poorest strata is to be raised, already a necessity if labor productivity is to be increased.

Several things are clear. First, most of this increase in agricultural production must take place in the underdeveloped countries, which implies a sharp upturn in their curves of agricultural development. Second, nonfulfillment of this goal would be a world calamity, the real import of which is terrifying to consider. Third, there is no realistic hope that these huge reforms in the agriculture of underdeveloped countries can be engendered rapidly, say within the next few years. Fourth, to prevent the internationally intolerable situation where tens and hundreds of millions of people are starving to death, the rich countries will have to increase their gratuitously given food deliveries very much.

Let me add a fifth point: Considering the rapidly increasing populations in underdeveloped countries, charity deliveries of food will in the long run not suffice; they will only bridge over the approaching emergency. In all our dealings with underdeveloped countries we must in their own, in our, and in the world interest be most careful to spur them to raise the productivity of *their* land and labor, being careful not to encourage complacency on their part.

In the world emergency which I foresee within only a relatively few years there will be a fundamental change in the way we will come to view the problem of agricultural overproduction in the United States. For three decades or more the US has been under compulsion to use various means of holding down production; nevertheless surpluses have tended to accumulate. In recent years food deliveries under Public Law 480, besides being of great importance to the underdeveloped countries, have been instrumental in taking care of a growing share of US surpluses. More than two-thirds of the total export of US wheat, for instance, was disposed of as part of the Food for Peace program.

If I am right in assessing the world situation in regard to agricultural production and the need for food – and I am afraid I am – very much more food will be urgently needed within a short time. I am informed that when taking into account reasonable expectations of the rise in food consumption in the United States and of commercial exports, the deliveries of food under Public Law 480 will soon approach the limit of the foreseeable available surpluses. But we all know that agricultural production in the United States would rise very sharply if the lid were taken off. Now, if the rich world is to do its obvious duty to prevent hunger on a mass scale in the underdeveloped countries, all that American farmers can produce will be needed, as well as what Canada, New Zealand and other similar countries can produce above their domestic requirements.

To American farmers, this will be a great opportunity. It will not solve the problems of the poor farmers who have too little or too unproductive land. But they should be aided in other ways, as President Johnson has recently been urging: The young should be given education and training possibilities to move into more remunerative sections of the American economy; the old, who cannot move, should be "pensioned" in some way. Rich America can easily afford that.

Increased food aid to underdeveloped countries must be paid for in some way. Last summer, I stated that there is no rational reason why such aid should be paid by the countries who happen to be able to produce a large surplus of food. To be more specific, when my own country, Sweden, which is about as well off as the United States, is able to give remunerative work to the nine percent of its labor force still counted as belonging to agriculture, without producing much of a surplus – mainly because of our substantial forestry – this is no reason why Sweden should be relieved from paying its due share for food aid to underdeveloped countries.

A condition, of course, is that this aid be internationalized. In this connection I would like to draw attention to the World Food Program, administered by FAO. It was set up on the initiative of the United States. It is still diminutive, only $100 million for three years. Within its limitations it has been a clear success. It is pioneering methods for international handling of food aid without disturbing commercial trade and especially without interfering with – in fact actually helping – the progress of agriculture in the underdeveloped countries. It is proposing to go further and explore methods of using international food aid on a development-program basis. This should be an invaluable experience for the vastly increased food aid that will become necessary within a few years, and which should not be paid for by the United States alone.

Gunnar Myrdal

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Murray Kempton

Counted Out

James Carey has scrapped with Communists, George Meany, employers, electrical workers – and survived as a labor union leader – but stolen votes have done him in.

The quiet twilight of the American labor movement has suddenly been made loud with melodrama and all the hate, blood and sorrow we associate with that art form are falling upon the two main heirs of Philip Murray. When Murray died in 1952, he left behind three institutions whose history could not have been the same without him. One was the Congress of Industrial Organizations, where no heir was designated and to which Walter Reuther took succession because a majority of his equals recognized his special merit. Another was the United Steelworkers of America, which Murray had organized and which fell, for want of objection, to David J. McDonald, his closest junior associate. The third was the International Union of Electrical Workers, which Murray created after the CIO expelled the United Electrical Workers as pro-Communist in 1949, and which he gave to James B. Carey, secretary of the CIO, as a reward for the years he had been the UE's lonely victim.

Reuther took the CIO into the AFL where it has almost disappeared in the unfraternal shadow of George Meany. Now McDonald seems to have been beaten for election as president of the steelworkers; and Carey has been beaten and disgraced as president of the International Union of Electrical Workers.

McDonald is still disputing the results of the steelworkers election that seemed to show him defeated. His enemies, a majority of his union's executive board, have suggested that he resign now so that the union could appear united in its current negotiations with the industry; McDonald refused from hope that he might still win a recount. Carey had no such hope; the recount had already been made by the Department of Labor and showed that still unknown friends of his, when they counted the ballots in his union's election, had converted a 23,316-vote Carey defeat into a 2,193-vote Carey victory. He resigned, in face of this discovery, as president of the IUE; he was left only with a vice presidency of the AFL-CIO executive council. George Meany demanded that he resign this place too, and Carey suddenly and unexpectedly said no. That was odd, because it is a position from which he drew no pay and in which he was often a lone and unpopular dissenter on the council. Still he fought stubbornly, and it would appear hopelessly, to stay there; his reasons he could hardly define himself, but they help explain the difference between him and McDonald.

These two heirs have demonstrated how a man can run through his legacy in the labor movement. One way is to adjust too comfortably to the reality that the union leader is only a junior partner to industry; McDonald, by the speed and indeed the anxiety of his adjustment, had affronted his inferiors. He was taxed a few months ago with the complaint that he had lost interest in the ordinary union member, and he answered: "Why, that is balderdash; no man in America has spent more time with the workingman than David J. McDonald!" The other way to lose is to adjust to no aspect of outer reality; that was Jim Carey's way; he affronted superiors and inferiors alike. It is his nature to affront everyone; if there was no one left for him to affront except George Meany, then he would make do with what he had as long as he could.

The day the Labor Department discovered that Carey's friends had undertaken to steal his union election for him, Meany announced that he was calling in for a full investigation the AFL-CIO's Ethical Practices Committee, an institution not lately visible except in the open files of the missing persons bureau. The AFL-CIO is in its winter years, a period for some when life's pleasures are limited to the misfortunes of others; in this case, George Meany's delight was perhaps heightened by the memory that the last labor leader of substance to complain about the Ethical Practices Committee's inanition had been James B. Carey himself.

Carey is only 53; yet he carries a name which has been conspicuous in the labor movement longer than Meany's or even Reuther's.

He appeared in public first when he was 23 and a delegate to the 1935 AFL convention as president of a fresh new local union in the Camden, N.J., plant of the Radio Corporation of America. That was the conven-

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tion from which John L. Lewis led his CIO secession, pausing just a moment to punch William L. Hutcheson, president of the Carpenters, during a floor debate. No event approaching this one in passion had occurred before or is remembered since from an AFL convention; Jim Carey was noticed first for his efforts to pull Lewis off the prostrate Hutcheson.

Carey's local became part of the United Electrical Workers during the CIO's great sweep of the thirties, and he became the youngest president of a major labor union in our history. The UE's management had by that time passed to the hands of a Communist caucus, to which Carey must have commended himself as front man because he was young and innocent.

He picked an especially unfashionable time to lose that innocence. He had been, as a New Dealer, an ornament of the popular front of the thirties; but, when the Communists broke that alliance after the Nazi-Soviet treaty, he tried with his usual simplicity of motive to oust them from the UE. Had he waited until after the war, the chances are that he could have made the fight with a better chance of winning. As it was, the Communists beat him for president of the UE in 1941 and he went into exile, though remaining secretary-treasurer of the CIO. He gathered about him another cadre – Al Hartnett, his assistant at the CIO; Richard Bauer, the CIO's business manager; and Harry Block, his oldest friend in the UE of Philadelphia, who had also lost out as a union vice president but who remained as president of the Pennsylvania CIO, a post he too owed to Murray.

Together with Carey, they struggled for the next eight years to regain control of the UE; they were beaten biennially; Carey gained a few votes every try but he never came very close and he was developing the face of a loser and a reputation for disunion among those UE activists who had never been Communists and whom the disenchantments of the forties were driving more and more to open hostility to the Communists. Nobody in the electrical industry very much wanted him back as president of its largest union. The industry's proprietors wanted him least of all; Carey seemed to them still obsessed with every radical discontent of the thirties. Lemuel Boulware, General Electric's vice president and the industry's symbol of militant resistance, was frank to say that, Communists or not, the UE's present managers were adults with whom he could live and Carey was far more dangerous to the peace of the industry than any of his rivals.

Only Murray could bring him back. In 1949, when the CIO could no longer abide the Communists, its convention expelled the UE and Murray announced that he would form the International Union of Electrical Workers to take its place. He handed its charter to Jim Carey at a public ceremony; it is doubtful that any gesture more delicate and less open as an identification of Murray's choice for control of the CIO subsidy upon which the new union's future depended could have won Carey election without a rancorous fight. He brought Hartnett along as his secretary-treasurer; they were anointed unanimously but unenthusiastically at the IUE's first convention. Block stayed in Pennsylvania as the IUE's regional vice president; Richard Bauer left the CIO to become IUE comptroller.

In 1949, the IUE, under their management, won over a majority of the UE's affiliates without quite being able to destroy it entirely. Most of his fellow union professionals associate Carey with failure, but in this one case he was able to do better in contest with an established Communist-controlled union than anyone else in the CIO.

He did badly everywhere else. In the fifties he led the IUE through a bitter and unproductive strike at Westinghouse; the transcripts of the language at these negotiations are unique for the degree of the invective on both sides, at a time when relations between union and management were almost depressingly civil.

To Live Was To Rumble

By the 1950's, there were signs that Carey's incapacity to adjust to the new times had already commenced to frighten his members. IUE locals had begun to vote against authorizing their leaders to strike; this failure in trust by the rank and file did not break the union's back but it did slow its advance. By the sixties, having paid this price for scaring his members, Carey had very few weapons for scaring the employers. His tongue and his heart were as combative as ever, but more and more what muscle he had was reduced until the industry needed to give him contracts no better than it wished to. He looked like a delinquent choir boy; to live was to rumble. He rumbled most conspicuously with George Meany; he profaned the wedding of the AFL-CIO by introducing an ethical practices resolution. Then Meany put him in charge of the AFL-CIO's Civil Rights Division; within two years, Carey had stormed out crying that the colored brother was being betrayed. Ethical practices would not become an approved subject in the labor movement for at least two years and civil rights for at least six. It was Carey's habit to go to war with the enemy before the enemy became fashionable and it was usually his disaster to be made unpopular by this vice of perception.

He still had the IUE, although life there was increasingly unhappy. Hartnett had begun to challenge him. The issue between them is hard to judge; they had come to that point in organizations where the quarrels are no longer political but personal. After a public and by no means appetizing campaign, Carey persuaded

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the members to recall Hartnett by referendum.

Carey still controlled a majority of the union's convention delegates and would have been elected against any opponent at their assembly last September. But in 1949 he had remembered how the pro-Communist machine had habitually beaten him at conventions and how he had felt so assured that the rank and file would have returned him as president if it had been given a chance to vote. He had, therefore, insisted that if the IUE ever had a dispute over office, it would be decided, in ordinary fairness, by a referendum of the membership. A convention minority nominated Paul Jennings of New Jersey, a sober, decent and moderate young man, to run for president against Carey, and the constitution called for a referendum.

It is hard to believe that Jennings expected to win or Carey to lose. Carey had almost all the instruments of the union on his side; and since he is a man whose honesty is so fanatic that he cannot believe in the honesty of anyone who opposes him, he felt free to use all these instruments in the cause of right. His union's employees spent as much of the work day as seemed to them necessary pushing his candidacy; the IUE *News* was given over to affirmations of his merits with no reference to Jennings beyond identifying him.

That is a normal rule in union elections and one which has resisted the ban on such discrimination written into the Landrum-Griffin Act. It is a ban difficult to enforce because both sides violate it. The Labor Department entertained, for example, charges that Carey's campaign had been conducted by staff members at hours when they were being paid to work for the union and dismissed this complaint on suspicion that Jennings had also used for campaign purposes any staff members he had at his disposal. The difference was that Jennings had considerably fewer. Carey's last act as IUE president was to move charges against Jennings for having expended funds from the treasury of his New Jersey IUE district for campaign purposes.

Switching Votes

In February the votes were counted. Carey had gone to Europe. Knowing the man, it is impossible to believe that he knew what was being done. It is even possible that his friends did not set out to do it; the notion that an outsider can win a union election from an incumbent supported by the united machinery of the organization was so foreign to their experience that they may well have begun switching votes at first only to build a Carey majority so great that Jennings would not dare lift his head again.

They ended, however, switching 13,000 votes from Jennings to Carey out of a total of 130,000 and converting a 23,000 Carey defeat into a 2,000-vote victory. By then the union's five trustees had to know what they had done; still their count was certified by Comptroller Richard Bauer and the ballots removed to a storage vault. These are men with small competence at fraud; to have burned the ballots would have invited inference; but to preserve them had to bring down conclusive judgments.

Jennings went to court sure that he had been injured but certainly unconscious of the degree. On January 1, Carey was reinstalled as president of the IUE; on February 16, its executive board ordered Vice President Harry Block to take the ballots out of the vault to investigate Jennings' charges. Before Block could move and James Carey either be told the worst or be the victim of one last effort to protect him from it by his oldest friends, the Labor Department intervened to seize the ballots, count them again and make what had happened clamorously public.

For a moment even Meany felt embarrassed to be vengeful; he called off the Ethical Practices Committee almost as soon as he had waked it, and let it be known that he was ready to forget the past, if Carey would leave the AFL-CIO executive council with the same quiet dignity with which he had departed his union office. Carey answered that he would not resign so long as he was being traduced for a fraud about which he had known nothing. "How could he not have known?" Meany answered scornfully. "Everybody in Washington knew what was going on. The only surprise was the size of the stealing." But Carey seemed determined to do everything against his own convenience and to demand one last trial before a hostile court on a charge on which his own friends had left him no small shred of a chance to clear himself.

Oddly enough, there had been a certain purity in the actions by which his friends had brought him to disgrace. They had controlled the union almost outright; all the fraud had been theirs because all the opportunity for fraud was theirs. So the scandal passes with them, and Paul Jennings comes clean to office. No result so happy can be expected for the steelworkers union, the other one of Philip Murray's legacies currently shadowed by complaints of frauds in elections. In the end, the Labor Department will have to count the steelworkers' ballots too. McDonald and his opponents held an almost equal share in the union machinery. If there were improper practices, it would be hard to believe that both sides did not indulge them to a comparable degree, and that whoever the winner is, he will assume office with a certain share of scandal attached to him. But James Carey, to whom all the scandal attached, has left his union purged just by removing himself from it. Was there anyone who ever made more of a hash of everything, who will be more deeply missed?

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Three Little Sitwells and How They Grew

by Stephen Spender

Edith Sitwell was scarcely justified in calling this book her autobiography. The early part provides a useful appendix to Sir Osbert's massive autobiography, in which she provides her own account of her childhood, and her own portrait of Sir George and Lady Sitwell. This is by far the best part of the book, a story of suffering told in strokes as incisive and cruel as those

Taken Care of
The Autobiography of Edith Sitwell
(Atheneum; $5.95)

irons in which the little Edith was put for the purpose of improving her figure, and which resulted in atrophying her muscles. When she sticks to childhood she provides a model of writing which exactly reflects a model attitude. Looking back at herself as a small girl, she has dispassionate unflinching vision, no self-pity, and she can be extremely funny.

For the rest, the book is very scrappy. There are interesting reminiscences of the three Sitwells in their early days in London, a great many anecdotes, some of them funny, occasional brilliant observations, and overwrought revenges, reading like rather tired set pieces, on people against whom the Sitwells bear grudges – D. H. Lawrence, Wyndham Lewis, and a great many people who sought interviews with, or wrote letters to, Dame Edith, asking advice about their poetry. To balance this, there are sympathetic accounts of Virginia Woolf, Aldous Huxley, Gertrude Stein, Pavel Tchelichew and others. There is a glowing chapter, flattering to them, (and indirectly flattering to Dame Edith for having appreciated them so much) on Dylan Thomas and Roy Campbell (praise of one, surely, rather cancels out praise of the other, whichever you happen to like). The warmest and most deeply felt passages in the book are about her brother Osbert, and about her governess, Edith Rootham, whom Edith nursed through her desperate last illness.

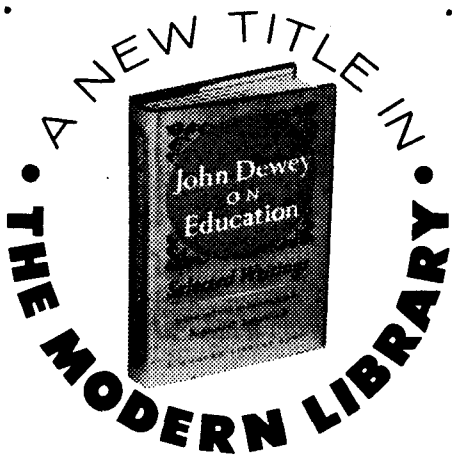
One has the impression that Edith Sitwell delayed writing her autobiography too long. Very few of her pen portraits are sustained, the childhood memories and the love for her brothers are still real, but the heart has gone out of those literary feuds which, at the time when she was still entertaining her friends, made up so much of her conversation.

Yet in spite of many reservations, this is an interesting book, because Edith Sitwell was extraordinary. A portrait – not exactly a self-made portrait but one done almost in spite of herself – does emerge. One feels that a friend, caring for her reputation might have advised her not to publish this book in which nearly all her attacks on enemies seem to rebound on herself. Yet he would have been wrong to do so, because in the end the portrait revealed makes one care much for her. Her defenses are often down, but as a result one sees a real and courageous, agonized person. If they were kept up, one would probably be more disconcerted by the unreality of many of her attitudes.

The most striking fact about Edith Sitwell is that she was one of those whose childhood was so shattered that to a great extent she retained through life the attitudes of an only-just-escaped prisoner. She was not only sensitive, but her sensitivity had been battered at the most sensitive moment of her life. The consequence of this was that she divided other people into two kinds: those who were potentially as brutalized as she had been herself, and the brutalizers and persecutors who had no feelings whatever.

In her book one is struck again by her oscillation between two attitudes: cruel caricatures of others because they take over the role of the tormentors of her childhood, and identification with them. The result is that she is very unreliable about people she does not like, incapable of seeing beneath their external behavior into the motives behind it which might make them appear human. Her attacks on Lawrence and Wyndham Lewis are so exaggerated as to be almost harmless. As anyone who went to Edith Sitwell's parties will remember, she was extremely kind in practice though sometimes cruel in conversation and in her attitude to particular *bêtes noires*. In real life she allowed herself to become surrounded with "lame ducks" to whom she was endlessly generous. At the same time she could make you feel disloyal to others – if they happened to be your friends – by her attacks on them. In reading her autobiography, it seems rather surprising that she retained perfectly intact so many of her childhood attitudes about people whom she had known when she was extremely young. A London boarding house where she stayed as a girl, seemed to her, sixty years afterwards, inhabited entirely by monsters whom she regarded without any sympathy. Here is one of them:

"This enormous woman, with her



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thick and muffled face and neck, when she was fully painted and equipped for the sad and hopeless business of the day, looked, when static, like an effigy of one of the Deadly Sins (swollen by some meaningless importance), the figurehead of Greed or Envy, carried at the head of some purposeless procession. Her vast size gave her an unwieldy, lumbering gait, a shambling walk, so that she seemed always to be in at least four places at once. So, bobbling and plunging as if she was a long line of sea-elephants facing the surge of waves, she faced the poverty of her days."

From other passages in the book, one knows that if someone had remarked to Dame Edith that the "poverty" which she herself saw as the key to this person's behavior might have suggested, fifty years after the event, a more sympathetic attitude, she would have replied that she had been dreadfully poor herself, and tortured at Renishaw.

The best piece of literary judgment in this book is a discussion of some marvelous lines of Pope. Perhaps Edith Sitwell's greatest piece of luck as a writer is that she discovered Pope before she did the Romantics. Her strength as a poet is that she inhabited a world of sometimes cruel, sometimes piteous caricature. Her book makes one sympathetic to her poetry; we see it as the work of a mannered caricaturist with a somewhat 18th-Century touch, portraying an aristocratic world in which men kill animals and one another and women go puffed up in their monstrous crinolines, a world in which some spirit suffers poignantly underneath and the poet is "a little outside life," indeed a cripple.

The 18th-Century analogy cannot be pushed far, because Edith Sitwell lacked intellectual force. She flashes occasionally, that is all, and a good deal of the time she is merely tiresome. All the same the flashes do come from a real and genuine person imprisoned in unreal and falsifying circumstances. It is difficult to think that the world of space travel into which we are now moving will produce another Edith Sitwell. To have known her or to discover her in her work is to be extremely grateful for her.

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ART

Museums as Living Newspapers

It was a great pleasure recently to note Anthony West, the literary critic, writing on art, if only because he knows the English language and in this field so few do. In belting away at the current fare in the Guggenheim and Modern museums in New York, however, he was guilty of some oversimplification. The Guggenheim has been showing a larger exhibition than one would have thought possible of two widely unknown Austrians of early in the century, Gustav Klimt and Egon Schiele; the Modern has its bonanza for the optometrist, The Responsive Eye, an assemblage of Op Art which vibrates, bends, twists and at its strongest induces vertigo and nausea even as you look. Finding little to like in either show, Mr. West concluded that this proved the art business really is a business and neither a profession nor a field of scholarship. Sure enough, related material by the two Austrians has turned up in dealers' hands, although most of the Guggenheim's stuff seemed to be from European private collections; and Op, of course, has been in dealers' hands since it was invented as a solace for the bored and shallow.

Still and all. Art did not become a business this year; it has been one for a long time now, at least as far back as antiquity, and, for us, rediscovered as a mercantile enterprise in the Lowlands of the 16th and 17th Centuries. Once you get art off with the falls of pleasures and palaces and onto smallish wooden panels or lengths of canvas stretched on wooden frames, you have an art of portable units, exchangeable and subject to the laws of exchange, including that of supply and demand and that of Sir Thomas Gresham

Obviously, the dealer in art commodities can profit from museum operations much as the dealer in land or hot-lunch machines can profit from government operations in aerospace, but this does not mean that either the Modern or the Guggenheim has been engaged in trying one out on the gullible public. The Op display at the Modern was inevitable: you set up an art institution on the premise that a lot of worthwhile contemporary art is not given a chance to be seen and, if you don't fold, sooner or later you're going to run out of worthwhile unknown art. Some years ago the Modern, without exactly realizing it, reached the stage at which unknown and unappreciated art of merit just wasn't turning up fast enough for exhibition scheduling. So the institution took an austere attitude of non-endorsement – "We don't say this is any good, we just say you ought to be able to see it" – and began showing rubbish. At the same time, it continued its steady if not systematic, reexploration and reexposure of what may be called the modern past: the great Monet shows a few years back and this season's Bonnard show among

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others. As to West's point, it is generally believed that some foresighted buyers made a pile on the Bonnard show, which only means that in a market economy people play the market. It certainly doesn't mean that Bonnard is not a deeply rewarding artist elsewhere than in the market, or that the show wasn't a beauty; it was.

Up at the Guggenheim, the management has been faced with a similar problem, one that might have been even more intense due to its special dedication to "nonobjective art," by which the first management had in mind the art of Kandinsky and especially that of Rudolf Bauer. The whirligig of time has carried Bauer away from contemporary consciousness and even away from the Guggenheim's public walls. Kandinsky survives, but his art does not as an ongoing thing practiced by others. Like most of our time's candidates for the art of the future, nonobjectivity has turned out to be an art of the past. The Guggenheim accepted this with great grace and knocked the "nonobjective" out of its name even before commissioning Wright to build the spiral at 89th Street.

Like the Modern, it has turned somewhat back toward the past. In the course set by these two best known museums of modern art, there is evidence that the era of discovery and advocacy is over. The market, which at one time limited itself to the old established values, now performs only too well in bringing for the new, the different, the never seen before: It is only in the provinces – Buffalo, Washington and Pittsburgh until the advent of its present director – that institutions can still seriously address themselves to discovering the undiscovered. In the big town, you can't get an institutional flag onto the beach before the natives come running out of the brush to sell you beads. Hence the rise of a new tradition in institutional modern art, the tradition of the old.

Within that tradition there is much to be said for the Guggenheim's choice of Klimt and Schiele as a spring duo. It can be agreed all around that we are dealing with minor artists without necessarily concluding that it's a plot by the market riggers.

Klimt was the elder; both died in 1918, along with the turn-of-the-century atmosphere in which their art flourished – an art of restrained melodrama, of a taste for flat and flamboyant patterns, and of a decided sexuality. The sexuality is neither French seduction nor German rape; it is that of an adolescent boy who doesn't get enough outdoor exercise. This gets a little more insistent as you go down the Guggenheim ramp from Klimt to Schiele, but already in the older artist there is a good deal of nude embracing with an implied introspective intensity utterly alien to the happier sexuality that turns up in Italian art. Klimt has a couple of versions of a very famous image, that of what seems to be a great hedge seen close to; along the bottom may be seen tree trunks and light in the distance: the overall abstract pattern and the illusion of a hedge have

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both yielded to a different reality and although the effect is successful, it is a clever boy's trick.

At the bottom of the ramp, in that interior balcony the museum has, the Klimt-Schiele descent arrives at its inevitable destination, huge, sweeping, wallpaper-like patterning broken here and there by a belle dame sans merci and sans clothes materializing among the arcs and whiplashes.

Slight? Of course. But still a legitimate and instructive addition to our knowledge of both the art of our time and the time itself. Important? Certainly not. But enjoyable here and there. The art museum has tried to turn itself into a living newspaper, and it has long been established that if newspapers only came out when there was news, there wouldn't be any papers.

FRANK GETLEIN

FILMS

Melpomene In Harlem

The Pawnbroker (Landau)
The Yellow Rolls-Royce (MGM)

The question of whether tragedy is possible today – especially in films – is raised again by *The Pawnbroker*, and with some seriousness; but the question itself is not consistently well stated, let alone satisfactorily answered. This film, made from the novel by the late Edward Lewis Wallant, is Sidney Lumet's best directorial effort to date; in spite of the sense – persistent in his work – that he is a collector of styles rather than a stylist, there are many passages of harsh strength, created with cinematic fluency. But the goal is titanic, nothing less than Greek agony in coat and trousers, and this is not achieved.

Sol Nazerman is a Jewish refugee from Hitler, in New York twenty years after the event, a man frozen into a carapace of loss, never far distant in his mind from the murder of his wife and children. He lives on Long Island with relatives, travels to his pawnshop in Harlem, does his business as impersonally as is humanly possible. His shop, set in racial and social turmoil meant to parallel that of Nazi Germany, is a front for a big Negro racketeer. When Sol refuses to sign some papers at the owner's orders, he is beaten. Almost simultaneously, his Puerto Rican assistant, a reformed young criminal breezily trying to learn the business, is piqued by a brusque remark of Sol's and helps some hoodlum friends to rob the shop. In a fracas the youth gets the bullet intended for Sol. That, plus the racketeer's beating ministered to break his independence, cracks Sol's shell. Through the avenue of pain, he returns to life.

If a tragic climax, a purification through death and horror, is to take us and move us, two elements, I think, are essential in a work: Its tonality must be consistently spacious, large; and, related to this, there must be no sense of manipulation to distract us from a conviction of fate. As for the former, although the overall tone of this film is certainly grim, many of the sequences sag into exploitation of naturalistic detail. (The bed scenes between the Puerto Rican and his Negro sweetheart, a tart; the footling do-good ministrations of a spinster social worker interested in Sol; even Sol's one forensic outburst about Jewish history.) As for manipulation, it is intrusive. Sol's life is sheer stasis when we meet him, and it is put into motion by late and obvious devices. He has for some long time accepted completely his position as front man for a criminal; now, suddenly, he decides to resist because he has "discovered" that his boss owns a brothel. We are to believe that this is too much for Sol because his wife was prostituted by Germans in a concentration camp. But can we believe that Sol is so naïve that he never suspected his boss's activities? And if not, if this newly discovered parallel is

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too much for him, why has not the parallel between the boss's hoods and the camp guards been too much for him long before this?

Equally, the defection of the young assistant, which leads to the robbery attempt, is capricious: caused by one remark of Sol's among dozens of moody ones that he has made. Thus, instead of growth, sure and inevitable, to a tragic conclusion, we have here a *situation*, inert and undynamic, suddenly and arbitrarily wrenched into a tragic attitude and consequently unaffecting.

Rod Steiger, who plays Sol, is convincingly, continently dark in the taciturn episodes. His forte as an actor is brooding presence, implications of power. When he tries to manifest that power, in whatever vein, he often falters. Partly this is because his voice is thin in timbre and narrow in range, particularly inconsistent with his bulk. Partly it is because he is bound in the involutions of the Actors' Studio; we are aware of internal devices being used for a kind of self-flagellation which may, if all goes well, also affect us – instead of a direct actor-audience relation. The voiceless cry over the boy at the end is presumably modeled on the celebrated similar moment of Helene Weigel in the Berliner Ensemble's *Mother Courage;* but the factors in structure and performance described above make Steiger's crisis an observable picture, not an overwhelming event.

The camerawork is by the justly famous Boris Kaufman and is excellent. We can hope, however, that he will now be allowed to drop his specialty: dreamy slow-motion lyricism, which he did first for Jean Vigo in *Zero de Conduite* (1933) and which he was brought in to supply recently in some sequences of *The World of Henry Orient.* He does it well, but he does everything well and should not be fixed with a trademark.

Lumet, aided immensely by Kaufman, has made much of this film graphic and incisive. He has used throughout a subliminal device: a present event or remark prompts a memory in Sol's mind – a split-second glimpse of a past horror. This is soon followed by longer and longer flashes of it until we get a flashback of some duration. (Unfortunately Steiger's face in the camp flashbacks is just as plump as in present-day Harlem.) This pattern is too often used but is nevertheless often effective. Some of Lumet's ideas are undeniably striking: the patterns of motion in the pawnshop, the touch of having the prisoners arrive at the camp in a driving rain. Yet there are only two dependable qualities in Lumet films to date: ambition and an assurance that sooner or later (admittedly here it is later) he will lose control of structure and method.

One last, difficult but relevant point. Why is Sol still so much in the grip of the past? Why is this particular survivor so specially paralyzed? Many of us have known people who have suffered similarly, suffered so grossly that the fact of life thereafter seems (to us) incredible; yet there they are living – working, quarreling, remarrying, propagating deliberately (in one case that I know) to refute the ovens. They are certainly not unmarked or forgetful; yet they are certainly not numb like Sol. I do not argue that all people must respond similarly to experience, only that, because Sol is such a remarkable exception, we miss an explanation.

The Yellow Rolls-Royce is a three-episode film that deals with amatory occurrences in the backseat of the title vehicle, from the mid-30s until the early days of the war. It was written by Terence Rattigan and directed by Anthony Asquith, both of whom are comfortable and successful with the first episode, which concerns a British aristocrat and his wandering French wife. In this Maugham-Lonsdale-Pertwee sketch, Rex Harrison and Jeanne Moreau have the sort of holiday that only good actors can enjoy. The two other episodes, about American gangsters in Italy and a rich American woman in the Balkans, are ludicrously written, directed, and performed.

STANLEY KAUFFMANN

COMING

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The UN Abused

Sirs:

The cover of the February 13 issue of *The New Republic* advertises a piece entitled "The UN Abused," attributed to "The Editors." There is hardly a single paragraph in the editorial which does not contain one or more errors of fact. Some examples:

1. "Ever since 1951, when the Soviet delegate inexplicably stayed away from the Security Council debate on Korea. . . ."

The year was 1950. Staying away was quite explicable. The Soviet delegate walked out of the Security Council in January 1950, and said that he would not come back until Communist China was occupying China's seat in the Security Council.

2. "They [USSR] vetoed the Middle East force in the fall of 1956. . . ."

It wasn't the Russians, it was the British and French; the Security Council did not propose to set up the United Nations Emergency Force. The idea for UNEF was introduced by Pearson when the General Assembly became seized of the Suez problem. The Soviets abstained on the vote setting up UNEF, thus, in effect, acquiescing.

3. ". . . after the murder of Lumumba they [USSR] vetoed any further Council action. . . ."

Lumumba was ousted in September 1960 and died by violence in February 1961. The Soviets openly turned against the Congo operation at the GA special emergency sessions in September 1960. The USSR vetoed *no* Security Council actions thereafter. The Security Council adopted resolutions on the Congo, in each case strengthening the mandate: on Feb. 21, 1961 the USSR abstained, on November 24 the USSR voted Yes.

4. "But the Soviets have been able to bring the UN to a grinding halt only because the United States raised first in the General Assembly, then before the World Court and finally in the Assembly again, the legal issue of collective responsibility under Article 19 of the Charter for financing all peacekeeping acts of the General Assembly."

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Seldom has so much misinformation been packed into a single sentence. *First*, the US was not alone in the General Assembly on the issue of collective responsibility for peacekeeping. *Second*, it was the UN General Assembly which asked the International Court of Justice for an advisory opinion. *Third*, the question put to the Court was limited to the issue of whether the costs of the Congo operation and the Middle East operation "were expenses of the Organization" within the meaning of Article 17 (not Article 19!). *Fourth*, it was not a question of financing "all peacekeeping actions of the General Assembly" which was put to the Court, only the United Nations Emergency Force in the Middle East. The Congo operation was not authorized by the General Assembly but by the Security Council.

5. "The Russians (and the French) responded by asserting against the opinion of the World Court that such acts of the Assembly are 'illegal' because only the Security Council has the right to initiate them."

This is all right as far as it goes but it does not go far enough. The Russians maintain that the Security Council alone has the right to initiate, control and direct all phases of peacekeeping operations, and including authorization, composition of forces and financing.

6. "Ever since 1962, the State Department has been spoiling for a showdown; and now it is wildly hunting for ways to avoid one."

The Department did not raise the arrears issue during the many years that defaulters fell behind. Only when it appeared that Article 19 would come into play we pointed out that the Charter must be upheld. Failure to do so would obviate an important provision of the Charter and undermine the GA's assessment authority. We never wanted a confrontation or showdown. Beginning in March 1964 we sought talks with the USSR to reach a solution consistent with the Charter that would avoid a confrontation. The Department agreed to the "no-vote" procedure in late 1964, in response to widespread sentiment that an attempt be made to work out the current difficulties without having to go through a "showdown."

7. "It all started with the UN bond issue, initiated in 1962 by the United States. . . ."

The UN Bond issue was authorized by the UN General Assembly in 1961.

8. ". . . the fact that the US had been paying voluntarily 60 percent or more of the costs . . ." [of the Congo operation].

It wasn't 60; it was less than 50. It wasn't "voluntarily"; it was a combination of assessments and voluntary contributions.

9. "As an earnest of its intent, State initiated an action before the World Court asking for an advisory opinion."

The advisory opinion proceeding was initiated by the General Assembly in 1961 in a resolution which asked for that opinion.

10. The Court ruled that the Middle East and the Congo operations "were legal and assessments legally binding under Article 19."

The Court's opinion did not reach Article 19, only Article 17.

11. "Then, at the *urging* [emphasis supplied] of the State Department, both Houses of Congress passed a resolution last August unanimously urging that financially delinquent members of the UN be subject to the penalty provisions of Article 19 and lose their votes in the Assembly."

It was only after the resolution was started on its way through the Congressional mill that the State Department was asked for its opinion. Secretary Rusk, in response to a request of the House Committee on Foreign Affairs, said that he thought such a Congressional resolution would be helpful.

12. The General Assembly resolution, in reference to the ICJ's advisory opinion did not "endorse" it. The resolution "accepted" the ICJ's opinion.

13. ". . . the effectiveness of the world organization stems from its usefulness as a seat of negotiation, not a seat of legislation."

This is too narrow a view of the work of the General Assembly even if one concedes that, as a matter of fact, General Assembly resolutions – except for some organizational actions and financing resolutions adopted under Article 17 – do not have the force of law and cannot bind a member to any particular course of action. Under Assembly authority, and similar actions by the

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comparable legislatures of other UN agencies, the UN system is spending $500,000,000 this year. That's a pretty big "seat of negotiation."

14. "Moreover, Western notions of the 'rule of law' are unacceptable to a majority of member states."

When a nation joins the UN it agrees to abide by the letter of the Charter, and the principles set forth therein, and to abide by the rules of procedure of the various parts of the UN structure. Fortunately the noise against the "rule of law" greatly exceeds the actions of nations against it.

15. "... nobody seriously contends that the Department, much less the Congress, would accept as binding on America an assessment of the General Assembly for a peacekeeping venture, or any other kind of venture, authority for which was adopted over US objection."

The possibility of our doing this is a clear consequence of our having ratified the Charter 20 years ago. But this is not the point at issue. The Russians did vote *in favor* of the UN Congo operation. (The French voted for or abstained on all Congo resolutions). They changed their minds a long while later and then decided to engage in some *ex post facto* objections. On UNEF resolutions, the Russians abstained and the French either abstained or voted in favor.

16. "One only need envision, for example, a new UN peacekeeping operation in the Congo which sought to replace Tshombe by Gbenye.... In effect, the State Department has been trying to enforce on Russia and France a principle which it would never allow to be enforced against the US."

The example cited indicates that the author does not understand the nature of the "principle" which is here involved. The UN would have no authority to replace Tshombe by Gbenye, since this would constitute unlawful intervention in matters within a member's domestic jurisdiction. UN peacekeeping operations may only be undertaken when there is a threat to (or breach of) international peace.

Moreover, the United States is *not* asserting the right of the General Assembly to initiate enforcement action (where member states are obliged to contribute armed forces which may be used against other member states). There is general agreement, shared by the Soviet Union and ourselves, that the Security Council has a monopoly on such operations and that the United Nations cannot undertake them in the face of a great power veto. But the peacekeeping forces in the Middle East and the Congo were contributed on a voluntary basis and were placed on the territory of member states with their consent. The United States – and most other United Nations members – believe that the General Assembly has the right to initiate such voluntary operations when the Security Council is unable to act, and that it also has the right to assess the members to pay for

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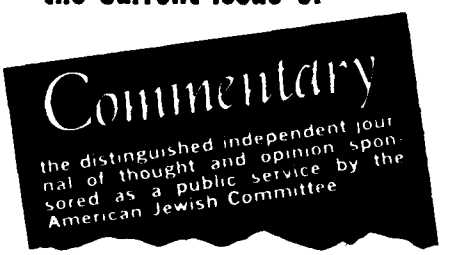
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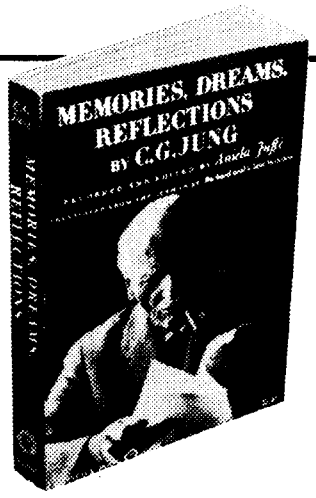

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them. The point is that the United States has been prepared to take whatever risk is inherent in the principle that *voluntary* peacekeeping operations may be initiated and financed by the General Assembly under Article 17 because we recognize a long-term interest in developing this means of containing violence in the nuclear age. As a matter of fact, the Congo and UNEF operations were initiated with the concurrence of the overwhelming majority of UN members – including the large and middle powers who bear the heaviest responsibilities for supporting such operations. Long before the Article 19 issue reached a point of crisis the United States put forward a proposal for a Peacekeeping Finance Committee of the General Assembly to insure that this would also be true of peacekeeping operations in the future.

17. "The UN 'umbrella' over US intervention in Korea. . . ."

The UN Security Council's original resolution on Korea called upon the UN members to help the Republic of Korea resist the aggression. The resolution was in the Security Council works when the order was given to the US forces to go to the rescue. Inasmuch as some 15 other nations provided combatant forces, inasmuch as the Korean operation was under a UN command, the use of the phrase "umbrella over US intervention" hardly falls in the zone of fair comment by a responsible journal.

18. "The Assembly authorized the Gaza strip force after Russia vetoed the proposal in the Security Council. . . ."

As noted earlier, it wasn't the Russians, it was the British and the French. And they didn't veto the Force but a resolution calling on the invaders of Suez to withdraw.

19. "What the Assembly patently cannot do, all legal arguments notwithstanding, is to make members pay for or participate in such operation if they want to opt out."

There never was any question about whether the Assembly could make UN members "participate in" peacekeeping operations. Never has either the Security Council or the Assembly ordered any member to participate in peacekeeping. All armed forces furnished to the UN have been furnished on a voluntary basis.

It is true that the General Assembly cannot make members pay for something they don't want to pay for. It has no power to garnishee salaries or put a legal arm-lock on national assets. But the GA can invoke the sanction provided in the Charter against those who refuse to pay their assessments. That sanction is "shall have no vote" provision of Article 19.

20. ". . . such a committee or staff ought to be ready to administer future peacekeeping operations even before they are demanded by member governments, rather than after."

There is more than the usual amount of confusion here. Nothing can be administered until it has been asked for, and authorized by the appropriate UN body. Furthermore, there is a difference between directing, supplying, controlling a peacekeeping operation (the usual meaning of the word "administer") – on the one hand – and making arrangements to finance such operations, on the other. The US proposal of September 14 had to do with financing.

21. "Both Russia and the UN have indicated a willingness to make such contributions once the Article 19 dispute is shelved."

How did the "UN" get into this act? If, perhaps the editors mean "US," then the statement is not accurate. Our position has been that volunary contributions of adequate size must be made in order that Article 19 will no longer be applicable, not that contributions should be made after Article 19 is set aside.

22. "A fixed charge would remain in the UN budget for servicing outstanding bonds."

This is a nice thought, but the Russians are now refusing to pay that part of the "regular assessments" which goes to pay off principal and interest on the UN bonds. So we are right back where we started from: with two different rules – one rule for most of the members, and another one for the Russians. I hope the editors of *The New Republic* are not prepared to stand still for so double a standard; we certainly are not.

Harlan Cleveland
Assistant Secretary of State
for International Organization Affairs

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In reply:

We are pleased to have Secretary Cleveland's comments and to pass them on to our readers. We remain of the opinion that the State Department has in effect tried to impose a principle on the Russians and the French which, in other circumstances, the US would not itself tolerate. As Senator Aiken put it the other day, "The Department was so concerned with rubbing the Russian and French noses into the legal interpretation of Article 19 . . . that the Department was not able even to contemplate the discomfort of having the shoe on the other foot." It is this sort of action that abuses the UN.

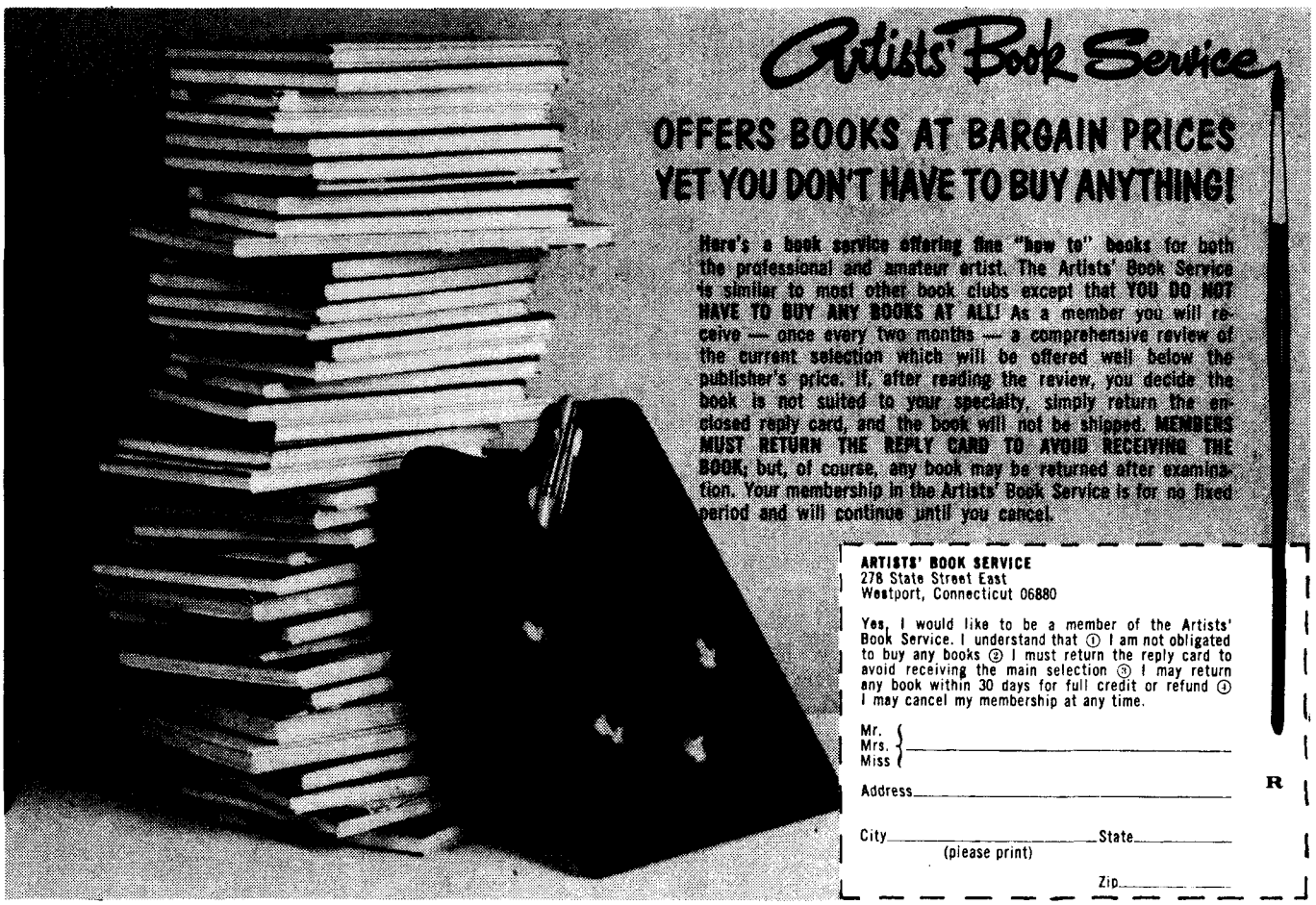
Mr. Cleveland says that the Department wanted to establish "the principle that *voluntary* peacekeeping operations may be initiated and financed by the General Assembly. . . ." Then why didn't it do so? Once the question of compulsory assessments was raised, the question of *involuntary* participation had to be raised with it. If the Department did not wish to raise the question of compulsory assessments, why did it take the initiative, first in the Assembly, then before the World Court and finally in the Assembly again, to establish the position that the costs of UNEF and UNOC (both were considered by the Court) were legal obligations of the UN membership *as a whole*. If this elaborate legal groundwork was not designed to pave the way, if necessary, for the Assembly to deprive Russia and France of their votes under Article 19, then what was it all about?

Mr. Cleveland takes us to task for "errors of fact," but nowhere does he illuminate the significance of these alleged errors. His comments further convince us that the useful "rules" of the UN game are first and foremost the product of careful and continuing political negotiation, not of legal hairsplitting. The UN would quickly lose its vital if necessarily limited effectiveness if serious attempts to impose a "rule of law" were made in an arena where law can do no more than give form to diplomatic agreements. For this reason alone it is lucky that a showdown in the Assembly between Russia and the US over the dues issue has not yet come about – whether the State Department has sought one or not.

Mr. Cleveland is correct. The Russians did not veto Security Council action in the Middle East in 1956. The French and British vetoed a Russian text which in effect branded them as aggressors. Our point was that "the Soviets have done their best to weaken the UN as an effective police force," and the point stands. The French, on the other hand, have met their share of the costs of UNEF through making voluntary contributions.

On one matter we are apparently agreed: the UN should have some continuing committee to consider the financing of peacekeeping operations at the time they arise, not afterwards. It was our further thought that the UN bond issue might be refinanced to permit the building up of a small fund for future contingencies, on a voluntary basis, of course. Far from suggesting a dual standard, we meant to suggest a voluntary standard – one which all UN members, the United States included, could accept.

The Editors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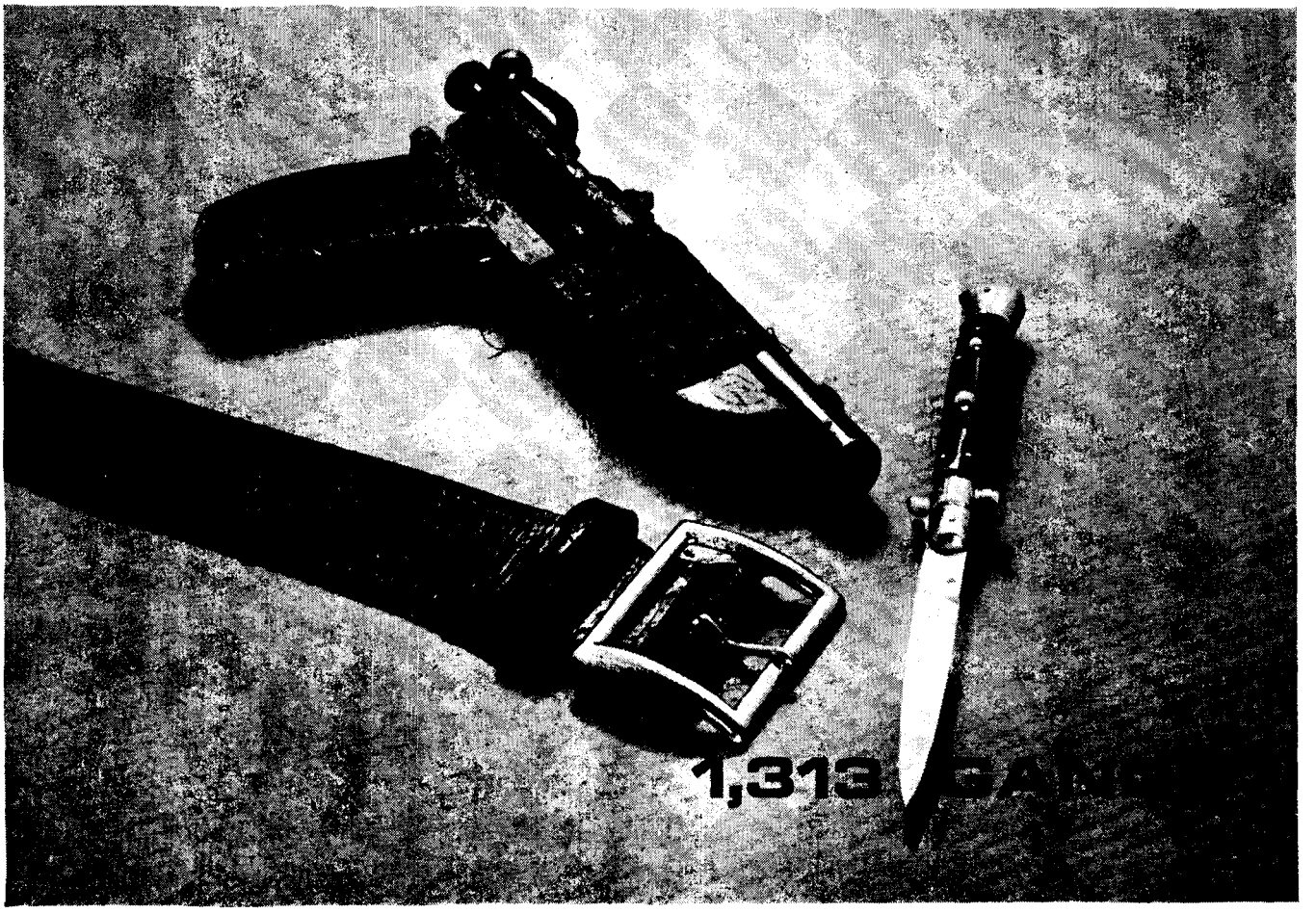

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